

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**COOPER TIRE AND RUBBER CO.**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 3:02CV210-SA-JAD**

**JOHN BOOTH FARESE, et. al**

**DEFENDANTS**

**ORDER**

Pursuant to the January 8, 2009, bench opinion,

**MOTIONS AND POST-TRIAL MEMORANDUM:**

- (1) Farese Defendants' Motion for Reconsideration [652] of Order on Motion for Partial Summary Judgment [636] is taken under advisement.
- (2) Cooper Tire's Motion in Limine to Limit Testimony and Exhibits [447] and Cooper Tire's Motion in Limine to Limit the Testimony of Kaster Defendants' Experts [443] and Cooper Tire's Additional Motion in Limine [643] is granted in part and denied in part as to the following remaining issues:
  - i. Any documents and testimony in which any person without first-hand knowledge claims that:
    - (a) Tab Turner provided the affidavit to Public Citizen or persons other than Whitaker counsel—granted in accordance with the bench opinion;
    - (b) Affidavit was disseminated by anyone else because they have no first-hand knowledge of the dissemination of the affidavit by anyone but themselves—granted in accordance with the bench opinion; or
    - (c) that the affidavit was made a matter of public record in the Harris case—granted in accordance with the bench opinion. Defendants, however, may offer transcript and witnesses with first-hand knowledge to prove affidavit was admitted.

- (3) Cooper Tire's Post-Trial Memorandum Regarding Limiting Evidence of the Whitaker Suit [520]:
- i. Actions taken to maintain the confidentiality of Barnett's testimony and affidavit in the Whitaker case—deemed not relevant and confusing to jury in accordance with the bench opinion
- (4) Farese Defendants' Additional Motion in Limine [640] is granted in part and denied in part as to the following remaining issues:
- i. Any reference to the tapes which were made by Cathy Barnett and cover letters pertaining to these tapes—granted in accordance with the bench opinion
  - ii. Deposition testimony of Mark Hankins as it relates to his affidavit—granted in accordance with the bench opinion
  - iii. Examining Cathy Barnett on what she did with the money she received from Farese—granted in accordance with the bench opinion
- (5) Cooper Tire's Additional Motions in Limine [643] is granted as to the following remaining issues:
- i. Any suggestion or implication that the separation agreement is void or unenforceable because it was procured under the threat of criminal prosecution—granted in accordance with the bench opinion
  - ii. Suggestion that Cooper Tire's business was "unlawful"—granted in accordance with the bench opinion

**DEADLINES:**

- (1) Deposition Designation Objections due January 13, 2009, by 5:00 p.m.
- (2) Final Pre-Trial Order due January 15, 2009, by noon.
- (3) Exhibit List due January 16, 2009, by 5:00 p.m.

SO ORDERED, this the 9<sup>th</sup> day of January 2009.

**s/ Sharion Aycock**  
**U.S. DISTRICT JUDGE**